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REMARKS

This is a full and timely response to the non-final Official Action mailed **January 10, 2008** (the "Office Action" or "Action"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, various claims have been amended. Additionally, original claims 8, 9, 32, 33, 44, 45, 78 and 79 have been cancelled without prejudice or disclaimer. No new claims are added. Thus, claims 1-7, 10-31, 34-43, 46-77 and 80-84 are currently pending for further action.

Prior Art:

The sole issue raised in the recent Office Action is a rejection of claims 1-84 as anticipated under 35 U.S.C. § 103(b) by U.S. Patent App. Pub. No. 2002/0040475 to Yap et al. ("Yap"). For at least the following reasons, this rejection should now be reconsidered and withdrawn.

Claim 1 now recites:

A user interface for a television set connected to at least one recording device and at least one source of audiovisual programming, said user interface comprising:
a first window associated with a source of audiovisual programming;
a first identifier displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among a plurality of sources of audiovisual programming;
a second window associated with a connected recording device; and
a second identifier displayed in association with said second window identifying said connected recording device associated with said second window;
wherein said first window displays said audiovisual programming from said source of audiovisual programming.
(Emphasis added).

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Support for the amendment to claim 1 can be found in Applicant's originally filed specification at, for example, Fig. 2 (elements 123 and 126) and the corresponding description in paragraphs 0030-0031.

In contrast, Yap does not teach or suggest the claimed user interface in which two separate windows are displayed, one associated with a particular source of audiovisual programming among a plurality of such sources and a second associated with a recording device, where each of the two windows is associated with an identifier that identifies, respectively, the source of audiovisual programming and the recording device. This subject matter is not taught or suggested by Yap.

In this regard, the recent Office Action argues that Yap teaches "an identifier identifying (see page 8, paragraph 127) said source of audiovisual programming, with multiple source of audiovisual programming being available." (Action, p. 4). The Action further argues that "Yap discloses the user interface, further comprising a device identifier for identifying (see page 8, paragraph 127) which connected recording device is current associated with said second window." (Action, p. 4).

However, paragraph 127 of Yap states the following.

[0127] The file manager may manage the recorded content by maintaining a data base, containing an entry for each recorded item. The entry may describe the content recorded and identify the memory device (either removable or not) which contains the recorded content. The entry may include all or part of the information received from the electronic program guide. The information received from the electronic program guide may be automatically entered. The entry may also be supplemented by notes or images from the user. The entry may contain alphanumeric characters, images, or both. The file manager may also forward the entry information to the printer 300, either directly from the storage device 200 or via the apparatus 100 (for example, the control unit 70) so that the entry information is printed on a label that can be affixed to the memory device. The file manager may also prompt the user, via user interface 90, to place a self-stick adhesive label in the printer 300.
(Yap, paragraph 0127).

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There is absolutely no teaching or suggestion here of the claimed first and second identifiers associated with respective first and second windows of a user interface. This portion of Yap does not teach or suggest the claimed first and second identifiers identifying, respectively, a source of audiovisual programming associated with a first window and a connected recording device associated with a second window. Thus, as stated above, Yap fails to teach or suggest this subject matter of claim 1.

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Yap of claim 1 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claim 10 recites “controls associated with said second window, wherein a record command issued using said controls is a command for said recording device associated with said second window to record from said source of audiovisual programming associated with said first window.” Support for claim 10 is found in Applicant’s originally filed specification at, for example, paragraph 0039. In contrast, this subject matter is not taught or suggested by Yap. Consequently, the rejection of claim 10 and any similar claims should be reconsidered and withdrawn.

Building on claim 10, claim 12 recites “wherein said second window displays said audiovisual programming in response to said record command, such that both said first and

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second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.” Support for claim 12 is found in Applicant’s originally filed specification at, for example, paragraph 0034. In contrast, this subject matter is not taught or suggested by Yap. Consequently, the rejection of claim 12 and any similar claims should be reconsidered and withdrawn.

Independent claim 14 recites:

A user interface for a television set connected to at least one recording device and at least one source of audiovisual programming, said user interface comprising:
a first window associated with a source of audiovisual programming; and
a second window associated with a connected recording device;
wherein said first window displays an electronic program guide for said source of audiovisual programming, and said second window lists programs selected by a user from said electronic program guide.
(Emphasis added).

In contrast, Yap does not teach or suggest the claimed user interface with first and second windows, where “said first window displays an electronic program guide for said source of audiovisual programming, and said second window lists programs selected by a user from said electronic program guide.”

While Yap does mention an electronic programming guide (see Yap, paragraphs 0186-0187 as cited in the Office Action, p. 6), Yap does not ever teach or suggest that the electronic programming guide is displayed in a first window associated with a source of programming and a list of selected programs is displayed in a second window associated with a specific connected recording device. This subject matter is entirely outside the scope and content of Yap.

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"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Yap of claim 14 and its dependent claims should be reconsidered and withdrawn.

Independent claim 18 recites:

A video display device comprising:
• a screen;
a user interface displayed on said screen; and
a connection to at least one recording device and at least one source of audiovisual programming;
wherein said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with a connected recording device;
wherein a first identifier is displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among a plurality of sources of audiovisual programming; and
wherein a second identifier is displayed in association with said second window identifying said connected recording device associated with said second window; and
wherein an electronic programming guide for said source of audiovisual programming associated with said first window is selectively displayed in said first window and a list of programs selected from said electronic programming guide to be recorded by said recording device associated with said second window is displayed in said second window when said electronic programming guide is displayed in said first window.

(Emphasis added).

Support for the amendment to claim 18 can be found in Applicant's originally filed specification at, for example, paragraphs 0043-0045.

In contrast, as demonstrated above, Yap does not teach or suggest the claimed video display device with a user interface having first and second identifiers as recited in claim 18.

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For at least this reason, the rejection of claim 18 and its dependent claims should be reconsidered and withdrawn.

Additionally, as also demonstrated above, Yap does not teach or suggest the claimed electronic programming guide where the guide is displayed selectively in a first window and "a list of programs selected from said electronic programming guide to be recorded by [a] recording device associated with said second window is displayed in said second window when said electronic programming guide is displayed in said first window." As noted above, while Yap does mention an electronic programming guide (see Yap, paragraphs 0186-0187 as cited in the Office Action, p. 6), Yap does not ever teach or suggest that the electronic programming guide is displayed in a first window associated with a source of programming and a list of selected programs is displayed in a second window associated with a specific connected recording device. This subject matter is entirely outside the scope and content of Yap.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Yap of claim 18 and its dependent claims should be reconsidered and withdrawn.

Independent claim 36 recites:

Processor-readable instructions stored on a processor-readable medium, said instructions, when executed, providing an on-screen user interface for a video display device, said user interface comprising:
a first window associated with a source of audiovisual programming connected to said video display device;

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a first identifier displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among a plurality of sources of audiovisual programming; [[and]]
a second window associated with a recording device connected to said video display device; and
a second identifier displayed in association with said second window identifying said connected recording device associated with said second window.

Support for the amendment to claim 36 can be found in Applicant's originally filed specification at, for example, paragraphs 0043-0045.

In contrast, as demonstrated above, Yap does not teach or suggest the claimed processor-readable instructions for a user interface having first and second identifiers as recited in claim 36. For at least this reason, the rejection of claim 36 and its dependent claims should be reconsidered and withdrawn.

Independent claim 52 recites:

A method of operating a user interface for a video display device comprising:
displaying said user interface on a screen of said video display device;
associating a first window of said user interface with a source of audiovisual programming; and
associating a second window with a connected recording device;
wherein said first and second windows are spatially separate and do not overlap.
(Emphasis added).

Support for the amendment to claim 52 can be found in Applicant's originally filed specification at, for example, Fig. 2, which clearly shows the spatially separated windows of the interface.

In contrast, Yap fails to teach or suggest a method of operating a user interface for a video display device with the claimed first and second spatially separate windows. Yap only teaches a Picture-in-Picture interface. (Yap, paragraph 0195). Yap does not ever teach or suggest the method or interface recited here in which first and second windows that are

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"spatially separate and do not overlap" are used in respective association with a source of audiovisual programming and a connected recording device.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Yap of claim 52 and its dependent claims should be reconsidered and withdrawn.

Claim 68 recites:

A user interface system for a video display device comprising:
means for displaying said user interface on a screen of said video display device;
means for associating a first window of said user interface with a source of audiovisual programming; and
means for associating a second window with a connected recording device;
wherein said first and second windows are spatially separated.
(Emphasis added).

Support for the amendment to claim 68 can be found in Applicant's originally filed specification at, for example, Fig. 2, which clearly shows the spatially separated windows of the interface.

In contrast, as demonstrated above, Yap fails to teach or suggest a user interface system with the claimed first and second spatially separate windows. Yap only teaches a Picture-in-Picture interface. (Yap, paragraph 0195). Yap does not ever teach or suggest a user interface system in which first and second windows that are "spatially separated" are used in respective association with a source of audiovisual programming and a connected recording device.

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"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Yap of claim 68 and its dependent claims should be reconsidered and withdrawn.

Independent claim 70 recites:

An audiovisual device in communication with at least one recording device,
said audiovisual device comprising:
a user input device; and
a user interface displayed on said audiovisual device;
wherein said user interface comprises a first window associated with a source
of audiovisual programming, and a second window associated with said recording
device;
*wherein said user interface further comprises a first identifier displayed in
association with said first window identifying said source of audiovisual
programming associated with said first window from among a plurality of sources of
audiovisual programming and a second identifier displayed in association with said
second window identifying said connected recording device associated with said
second window; and*
wherein said first and second windows are spatially separated.
(Emphasis added).

Support for the amendment to claim 70 can be found in Applicant's originally filed specification at, for example, Fig. 2 (elements 123 and 126) and the corresponding description in paragraphs 0030-0031. Fig. 2 also clearly shows the spatially separated windows of the interface.

In contrast, as demonstrated above, Yap does not teach or suggest the audiovisual device of claim 70 including the claimed first and second identifiers with the respective first and second windows. Yap further, as also demonstrated herein, does not teach or suggest the claimed first and second windows that are "spatially separated."

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"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Yap of claim 70 and its dependent claims should be reconsidered and withdrawn.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

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If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

DATE: April 8, 2008



Steven L. Nichols

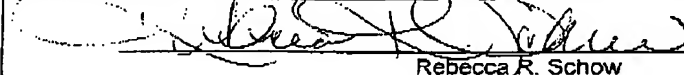
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I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300 on April 8, 2008. Number of Pages: 31



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